

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 293

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO WATER; CREATING THE DOMESTIC WELL FUND;
ESTABLISHING DOMESTIC WELL APPLICATION FEES AND A DOMESTIC WELL
IMPACT FEE FOR NEW DOMESTIC WELLS; CREATING THE DOMESTIC WELL
IMPACT FUND; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 72, Article 12 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DOMESTIC WELL APPLICATION FEE--DOMESTIC
WELL IMPACT FEE--AMOUNTS--DISPOSITION.--

A. Upon application for the use of underground
water for domestic purposes pursuant to Section 72-12-1.1 NMSA
1978, the applicant shall pay to the state engineer an
application fee of two hundred dollars (\$200) for a single
household well. For a shared household well, the application

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underscored material = new
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1 fee shall be four hundred dollars (\$400). For a shared well
2 that will serve a subdivision of three or more lots, a domestic
3 well impact fee shall be collected in the amount of two hundred
4 dollars (\$200) per connection. Upon completion of the well and
5 before use of the water, the permit holder shall submit to the
6 state engineer a well log certifying the completion of the
7 well. The domestic well impact fee shall be refunded if the
8 well-driller's log submitted to the state engineer documents
9 that the completed well is not a producing well.

10 B. Fees collected pursuant to this section shall be
11 deposited in the domestic well impact fund.

12 C. For the purposes of this section, "domestic
13 purposes" means the use of public waters for household uses and
14 for irrigation not to exceed one acre of noncommercial trees,
15 lawn or garden.

16 D. An applicant for a domestic well pursuant to
17 Section 72-12-1.1 NMSA 1978 who owns other consumptive use
18 water rights within the same basin may apply to transfer up to
19 three acre-feet per year of consumptive use. If the state
20 engineer determines that the owned water rights are within the
21 same basin, the state engineer shall grant the permit pursuant
22 to Section 72-12-1.1 NMSA 1978. The application fee under the
23 provisions of this section shall not exceed the amount charged
24 to file an application for a change in place or purpose of
25 use."

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1 Section 2. A new section of Chapter 72, Article 12 NMSA
2 1978 is enacted to read:

3 "[NEW MATERIAL] DOMESTIC WELL IMPACT FUND--CREATED--USE.--
4 The "domestic well impact fund" is created in the state
5 treasury. The fund shall consist of money appropriated,
6 allocated or otherwise accrued to the fund. Money in the fund
7 is appropriated to the state engineer for the purchase of water
8 rights to offset the effects of domestic well pumping in stream
9 corridor areas and for expenses associated with metering,
10 measuring and administering water uses. Money in the fund may
11 be expended upon vouchers signed by the secretary of finance
12 and administration. Money remaining in the fund shall revert
13 to the general fund at the end of any fiscal year."

14 Section 3. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect immediately.

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